

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 7/6/15
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HLP PROPERTIES, LLC, et al.,

Plaintiffs,

-against-

CONSOLIDATED EDISON COMPANY OF  
NEW YORK, INC.,

Defendant.

14 Civ. 1383 (LGS)

ORDER

LORNA G. SCHOFIELD, District Judge:

WHEREAS, by letter dated June 30, 2015 (Dkt. No. 316), Plaintiffs provided an update on their re-review of documents originally listed on their privilege logs and requested that “the Court enter an order providing that the production of any privileged material in connection with this process shall not constitute a waiver of any privilege claims concerning that material or the subject matter addressed there.”

WHEREAS, by letter dated July 1, 2015 (Dkt. No. 318), Defendant responded to Plaintiffs’ letter and requested that Plaintiffs be required to (i) produce updated privilege logs to Defendant; (ii) replace the documents at issue “using proper Bates Numbers”; and (iii) “extend the discovery schedule to restore to [Defendant] the 35 days it was allocated to review these documents . . . .”

WHEREAS, by letter dated July 5, 2015 (Dkt. No. 319), Plaintiffs submitted a response to Defendant’s July 1 letter, stating they will provide Defendant with the privilege logs at the same time that it is provided to the Court and requesting that Defendant’s remaining applications be denied. It is hereby

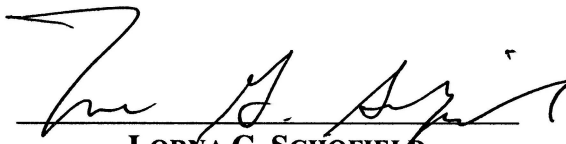
**ORDERED** that, no later than **July 14, 2015**, the parties shall jointly if possible, or individually, file a proposed form of order as contemplated by Fed. R. Evid. 502(d), including a

claw back procedure, citing available relevant authority in footnotes, and shall email the same to the Chambers email address. It is further

**ORDERED** that Defendant's request in its July 1 letter is GRANTED in part as follows:

1. No later than **July 14, 2015**, Plaintiffs shall replace the documents at issue using the original Bates Numbers as requested by Defendant. For documents where a single-page slip sheet was used to indicate a multi-page document was withheld, Plaintiffs shall use Defendant's proposal at footnote 3 of Defendant's July 1 letter (e.g., PL\_300 would be produced as PL\_300 to PL\_300.09).
2. Plaintiffs shall bear 60% of the cost of replacing the documents at issue using the original Bates Numbers, and Defendant shall bear 40% of the cost of these replacements. If Plaintiffs use their internal staff for this project, then they will segregate the staff's time.
3. Each of the dates in the discovery schedule at Dkt. No. 293 is extended by two weeks. Any of the deadlines may be altered by the written consent of all parties without application to the Court, provided that all expert discovery is completed by **October 22, 2015**.

Dated: July 6, 2015  
New York, New York

  
**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**